

After reviewing the record and considering the briefs submitted by the parties, the Appeals Board finds that neither of the issues raised by respondent is one subject to review on appeal from a preliminary order. See Sulaimon v. Woodland Health Center, Docket Number 192,021 (Sept. 1995). Respondent asserts that the reference in K.S.A. 44-534a to “whether certain defenses apply” authorizes the Appeals Board to review procedures followed in the course of preliminary hearing. The Appeals Board does not

agree that its jurisdiction on appeals from preliminary orders is as expansive as respondent suggests. K.S.A. 44-551 limits the jurisdiction to only those cases where the appeal challenges the jurisdiction of the administrative law judge to enter his order. The issues raised here do not, in substance, do so.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order entered by Special Administrative Law Judge William F. Morrissey dated December 14, 1995, should, and does, remain in effect as originally entered.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of February 1996.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c: John M. Ostrowski, Topeka, Kansas  
Gregory D. Bell, Topeka, Kansas  
William F. Morrissey, Special Administrative Law Judge  
Philip S. Harness, Director